

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6500 of 1991

with

SPECIAL CIVIL APPLICATION No 3032 of 1992

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

-----

LAXMINARAYAN A PANDEY SINCE DECEASED THROUGH HIS WIFE

Versus

STATE OF GUJARAT

-----

Appearance:

MR RAVI R TRIPATHI for Petitioners

MR SR DIVETIA for Respondents

-----

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 15/08/97

ORAL JUDGEMENT

1. Both these petitions have been filed by the petitioner, since deceased, in the matter of his suspension and dismissal from the services, and as such, the same are being taken up for hearing together and are

being decided by this common order.

2. The petitioner has expired after filing of these special civil applications and his heirs and legal representatives were not brought on record. In view of this fact, though the petition abates, but few facts are to be stated so that the matter may be clear.

3. The petitioner, an employee of the respondent No.2 was involved in a criminal case for the offence punishable under sec.420 of the I.P.C. in connection with some L.T.C. amount of the block year 1980-83. The complaint has been filed against the petitioner in the Court of Chief Metropolitan Magistrate, Ahmedabad. He was placed under suspension under the order dated 17th August, 1983. In the criminal case, he was convicted by the Chief Metropolitan Magistrate vide judgment dated 4-9-1991. After his conviction, he was dismissed from the services under the order dated 11-9-1991. In the appeal filed by the petitioner against his conviction, he came to be acquitted vide judgment dated 17-1-1992.

4. In the first petition, the petitioner has challenged the order of suspension and in the second petition, he challenged the order of dismissal. Now the petitioner has been acquitted in the criminal case, and as such, his suspension as well as the dismissal may not stand on any legal ground. However, it is for the respondents to decide, and no final verdict can be given in the matter as the petitioner has expired. Both these special civil applications and Rule stand disposed of as having abated.